

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Highway Code is amended by changing
5 Section 5-904 as follows:

6 (605 ILCS 5/5-904) (from Ch. 121, par. 5-904)

7 Sec. 5-904. Authorization for the Imposition of an Impact
8 Fee.

9 (a) No impact fee shall be imposed by a unit of local
10 government within a service area or areas upon a developer for
11 the purposes of improving, expanding, enlarging or
12 constructing roads, streets or highways directly affected by
13 the traffic demands generated from the new development unless
14 imposed pursuant to the provisions of this Division.

15 (b) An impact fee payable by a developer shall not exceed a
16 proportionate share of costs incurred by a unit of local
17 government which are specifically and uniquely attributable to
18 the new development paying the fee in providing road
19 improvements, but may be used to cover costs associated with
20 the surveying of the service area, with the acquisition of land
21 and rights-of-way, with engineering and planning costs, and
22 with all other costs which are directly related to the
23 improvement, expansion, enlargement or construction of roads,

1 streets or highways within the service area or areas as
2 designated in the comprehensive road improvement plan.

3 (c) An impact fee shall not be imposed to cover costs
4 associated with the repair, reconstruction, operation or
5 maintenance of existing roads, streets or highways, nor shall
6 an impact fee be used to cure existing deficiencies or to
7 upgrade, update, expand or replace existing roads in order to
8 meet stricter safety or environmental requirements; provided,
9 however, that such fees may be used in conjunction with other
10 funds available to the unit of local government for the purpose
11 of curing existing deficiencies, but in no event shall the
12 amount of impact fees expended exceed the development's
13 proportionate share of the cost of such road improvements.

14 (d) Any unit of local government that has imposed an impact
15 fee upon a developer under this Section shall impose a
16 proportionate road improvement impact fee on any other
17 developer who, within 5 years of the date on which the original
18 impact fee was imposed, undertakes an additional development
19 that benefits from the improvement, expansion, enlargement, or
20 construction of any street, road, or highway under this
21 Section. The amount of the proportionate road improvement
22 impact fee imposed under this subsection (d) shall be
23 determined as provided in subsection (b) of this Section.

24 Within one year after any unit of local government receives
25 a proportionate road improvement impact fee under this
26 subsection (d), that unit of local government shall pay to the

1 developer who paid the original impact fee an amount equal to
2 the amount of the proportionate road improvement impact fee.

3 (e) Nothing contained in this Section shall preclude a unit
4 of local government from providing credits to the developer for
5 services, conveyances, improvements or cash if provided by
6 agreement even if the credits are for improvements not included
7 in the comprehensive road improvement plan, provided the
8 improvements are otherwise eligible for inclusion in the
9 comprehensive road improvement plan.

10 (Source: P.A. 88-470.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.